

HOUSE BILL 646  
By Cochran

AN ACT relative to the establishment of a general sessions court  
in Carter County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. There is hereby created and established in and for Carter County, Tennessee, a Court which shall be designated as the Court of General Sessions of Carter County, Tennessee, which shall possess the powers and jurisdiction as hereinafter provided. Such Court shall be in addition to any other general sessions courts in Carter County.

SECTION 2. The Court of General Sessions is hereby vested with all the jurisdiction and shall exercise the authority conferred by the Legislature upon general sessions courts.

SECTION 3. The Judge of such Court shall adopt such rules as may be necessary to expedite the trial and disposition of cases and the manner, time and place of which process shall be returnable, and the time and place in which such cases shall be heard, and such other rules as will enable the Court to function properly.

SECTION 4. The jurisdiction of such Court shall be co-extensive within the boundaries of Carter County, Tennessee, and the Judge thereof shall have the power and authority to hear and try all cases at the courtroom established therefore, or at such other place or places in Carter County as the Judge may determine to be more feasible and convenient for the parties.

SECTION 5. Before any civil case shall be tried, or judgment rendered in such Court, the Judge of such Court may require the plaintiff to execute a cost bond with good security, or make a cash deposit, or in lieu thereof to take the oath prescribed for poor persons, and upon motion of the Court may increase the cost of such bond or deposit.

SECTION 6. The rules of pleadings and practice, or writs and process and stay of appeals and judgments in civil cases of such Court, shall be the same as other Carter County General Sessions Courts.

SECTION 7. In all matters the costs and fees of such Court of General Sessions, including the services of the Clerk of this Court, shall be the same as those provided by law for other Carter County General Session Courts.

The fees and other compensation of the Sheriff, the sheriff's deputies, constables, game wardens and state highway patrolmen for the execution of writs and process of such Court, and the process of such Court and the attendance and mileage of witnesses shall be the same as those provided by law.

The fees and compensation due for services rendered the clerk such Court of General Sessions shall be paid to the Clerk of such Court and by the clerk accounted for as hereinafter provided. Such costs, fees, and mileage of witnesses, and fees, commissions and emoluments of Sheriff, deputies, constables, state highway patrolmen, game wardens, and other officers, for services in such Court accounted for and disbursed as required by law.

SECTION 8. Separate dockets shall be kept in such Court for civil and criminal cases. Upon the civil docket shall be entered the style of each case, the date of issuance of the warrant of process, and return on the process in brief form, action of the Court on the case, both interlocutory and final orders, judgments, executions, garnishments, lists of the fees of the Court, the Sheriff, deputies, constables, game wardens, and state highway patrolmen for their services, fees of witnesses for attendance, etc., and the credits for payments upon the judgment and upon the costs. The criminal docket shall be kept in like manner.

SECTION 9. There shall be a Judge of such Court, who shall be a resident and citizen of Carter County, Tennessee. Such judge shall hold a license to practice law in Tennessee and shall before entering upon the duties as such, take and prescribe an oath for the faithful performance of all duties.

SECTION 10. The compensation of such Judge shall be equal to that paid to all Carter County General Session Judges, payable in equal monthly installments out of the ordinary funds of the County, and shall not be increased or diminished during the term for which such Judge is appointed or elected.

SECTION 11 A General Sessions Judge for this Court shall be chosen by the voters of Carter County, Tennessee, at the next general August election to be held in the year 2006, and

shall hold office from the first day of September, 2006, until the next regular election of judicial officers or until a successor is qualified.

SECTION 12. In the case of a vacancy for any cause the Governor shall have the power to appoint some qualified person to fill such vacancy.

SECTION 13. The Clerk of the present Carter County General Sessions Court shall also serve as Clerk for the General Session County established by this Act.

SECTION 14. Carter County, Tennessee, shall provide courtrooms, dockets, furnishings, and necessary supplies for the equipment and maintenance of such Court, and pay for same out of the ordinary funds of such County or out of the fees and costs received by such Court.

SECTION 15. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Carter County. Its approval or non-approval shall be proclaimed by the presiding officer of Carter County and certified to the secretary of state.

SECTION 16. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 15.